

REMARKS/ARGUMENTS

This Amendment is in response to the Notice of Non-Compliant Amendment dated January 14, 2008 and supplements the Amendment filed November 26, 2007 (“the November 26th Amendment”), in the above-referenced application. The Notice of Non-Compliant Amendment indicated that the November 26th Amendment was not fully responsive to the prior Office Action because Applicant did not indicate how the newly presented Claims 22-27 overcome the prior art references, and further that these claims should not be underlined in the listing of claims provided.

Applicant would first like to thank the Examiner for the careful review of the Amendment. With regard to the incorrect underlining of newly presented Claims 22-27, the underlining has been removed from these claims in the above listing of claims. The claims are otherwise presented in the same form as in the November 26th Amendment.

With regard to the failure to indicate how the newly presented Claims 22-27 overcome the prior art references, Applicant respectfully asserts that none of the prior art references, whether considered alone or in combination, teach or suggest a processor that is configured to set a throttle value for transmission of data from a first host to a second host *based at least in part on the data transmission and reception capabilities of the first and second host, respectively*, as recited in newly presented independent Claim 22. In particular, as described in the November 26th Amendment, *Sakai* discloses an “interface controller [that] adaptively changes the data transfer rate of data being transferred between two or more devices *depending on whether one of the devices is powered by an internal power supply and on the destination of that data.*” (*Sakai*, Abstract, *Emphasis added*). As further described in the November 26th Amendment, the data transfer rate of the interface controller of *Sakai* is based on two factors: (1) whether the devices involved are powered by a battery or an external power supply; and (2) the final destination of the data (i.e., self-device or repeat transfer). Neither of these factors corresponds to the data transfer rates at which first and second hosts are capable of transmission and reception, respectively. As a result, *Sakai* does not teach or suggest setting a throttle value that is based at

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least in part on the data transmission and reception capabilities of the first and second host, respectively. Similarly, neither *Lin* nor *Bach* discloses this recitation of independent Claim 22. Based on the foregoing, it is respectfully asserted that independent Claim 22 is patentable over the prior art references cited in the previous Office Action.

Claims 23-27 depend from independent Claim 22 and include all of the recitations of the base claim and any intervening claims plus their additional recitations that further distinguish the art applied in the rejection. Thus, for at least the reasons set forth above with respect to independent Claim 22, it is respectfully submitted that dependent Claims 23-27 are further patentable over the references cited as such dependent claims now depend from an allowable base claim.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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